

Learning Assessment Guide

Unit Standard 4243 – Version 5

Prepare a prosecution file and brief counsel

Level 5 – 5 Credits

Assessment Summary			
Learner to complete			
Learner's name:			
Employer:			
NSN no. (ROL):		DOB:	
Signed:		Date:	
Assessor to complete			
<input type="checkbox"/> Meets requirements <input type="checkbox"/> More training required <input type="checkbox"/> More evidence required			
Assessor's name:		Assessor's No.	
Signed:		Date:	

Before you begin...

- As well as this Learning Assessment Guide, you may also want to refer to the unit standard from the NZQA website (<http://www.nzqa.govt.nz>).
- Read the Trainee Information Kit. The kit contains important information and guidelines for Learners and can be found on the Learning State website (<http://www.learningstate.govt.nz>) under Learners, then Learning Assessment Guides.
- Check the learning resources available for this unit standard on the Learning State website (<http://www.learningstate.govt.nz>) under Learners, then Learning Assessment Guides.

The tasks in this assessment are designed to show your assessor that you can:

- Prepare summary of facts.
- Prepare prosecution file.
- Brief counsel.

This Learning Assessment Guide is made up of:

- Tasks for you to complete.
- Verification forms for your manager or team leader, and counsel, to complete.
- Assessment Guide that the assessor will use to assess your competence.

Special notes relating to this unit standard:

1. The assessment will take into account the laws, regulations, bylaws, activities, procedures and policies defined by the compliance and/or regulatory organisation relevant to the context of the assessment activity.
2. The term *organisational requirements* refers to documented organisational policy and procedures that are available to staff. This includes the application of legislation.

Assessment Task One – Elements 1 and 2

Introduction

Assessment task one is designed to assess your ability to prepare a summary of facts and a prosecution file.

Instructions

- For this assessment you may use a case that you have been involved in during the past 12 months, or one that you are currently involved in.
- Provide an example of a summary of facts and its related prosecution files. You will need to discuss the files with your assessor and answer any questions.
- Both the summary and prosecution files must conform to your organisation's required format.
- The following must be included:

Summary of fact

- Purpose of the file.
- A summary of the evidence and facts supporting the charge.
- The provisions of legislation describing ingredients of offences.
- The history of the investigation.

Prosecution file

- A record of evidence on file.
 - Factual information that is relevant to the case and able to be readily assimilated by the counsel.
 - Justification of legislative action in terms of observed facts and evidence.
 - Details of investigators according to organisation's requirements.
 - Previous instances of non-compliance on file.
- Copies of these files should be provided to the assessor in advance if possible. If this is difficult, you should discuss how your assessor could view these files at your workplace. The files will be used to illustrate your responses and demonstrate how you have applied relevant skills and knowledge. Ensure that you do not breach the Privacy Act.
 - Ask your manager or team leader to sign the Verification form to confirm that you have completed the above tasks to the requirements of the organisation.
 - Your assessor may wish to ask you further questions to clarify any points, or in order to gain sufficient evidence.

The completed assessment for task one will include:

- Summary of facts.
- Prosecution file.
- Verification Form signed by manager or team leader.
- Assessor's notes.

Verification Form Task One

Name of Learner:			
Name of Verifier			
Position		Phone	

_____ is currently being assessed toward Unit Standard 4243 'Prepare a prosecution file and brief counsel'

Your signature below confirms that the summary of facts and prosecution file documentation submitted by the learner meet organisational and legislative requirements, and is their own work.

Comments:

Signed: _____

Date: _____

Thank you for your assistance.

Assessment Task Two – Element 3

Introduction

Assessment task two is designed to assess your ability to brief counsel.

Instructions

- You must provide evidence of having briefed counsel on the case prepared in Task One.
- Provide counsel with the attached Task Two Verification Form and ask them to complete it. They need to verify that your briefing was factual and relevant, and they could easily assimilate it. The language used must have been direct and the briefing must have been completed in accordance with the requirements of the organisation.
- Give your assessor the signed Verification Form. They may wish to ask you further questions if they need to clarify any issues.

The completed assessment for task two will include:

- Completed Verification Form.
- Assessor's notes if required.

Task Two Verification Form
(For use by counsel)

Name of Learner:			
Name of Verifier			
Position		Phone	

_____ is currently being assessed toward Unit Standard 4243 'Prepare a prosecution file and brief counsel'.

Your signature below confirms that the brief met your requirements and those of the organisation.

Confirmed that the learner:	Comments	Yes / No
Gave a factual briefing that was relevant to the prosecution file.		
Gave a briefing that you could readily assimilate.		
Used direct language, including legal terms, when responding to your questions.		
Completed the brief in accordance with the requirements of the organisation.		

Signature:

Thank you for your assistance.

Assessment Guide

These are the evidence and judgements that your assessor will use to assess your competence in unit standard 4243.

Task / Element	Evidence required	Judgement
<p><i>Task 1 / Element 1</i></p> <p>In this task the learner must provide a summary of facts.</p>	<p>Summary of facts.</p> <p>Verification Form.</p> <p>Assessor's notes.</p>	<p>The summary of facts is under 12 months old and includes:</p> <ul style="list-style-type: none"> • A description of its purpose. • Evidence and facts supporting the charge. • Legislation that describes the ingredients of the offence. • A summary of the history of the investigation. <p>The summary of facts must be in a format in line with organisational requirements.</p>
<p><i>Task 1 / Element 2</i></p> <p>In this task the learner must provide a prosecution file that they have prepared.</p>	<p>Prosecution file.</p> <p>Verification Form.</p> <p>Assessor's notes.</p>	<p>The prosecution file is under 12 months old and includes:</p> <ul style="list-style-type: none"> • A record of evidence on file. • Factual information that is relevant to the case and able to be readily assimilated by the intended reader. • Justification of legislative action in terms of observed facts and evidence. • Details of investigators according to organisation's requirements. • Previous instances of non-compliance on file. <p>The file must be in a format in line with organisational requirements.</p>
<p><i>Task 2 / Element 3</i></p> <p>The learner must brief counsel concerning the case in Task 1.</p>	<p>Verification Form signed by counsel.</p> <p>Assessor's notes.</p>	<p>The counsel must confirm that the learner gave them relevant, factual information that they could readily assimilate.</p>

Task / Element	Evidence required	Judgement
		<p>The learner's language was direct, including legal terms, when they responded to the counsel's questions.</p> <p>The learner completed the briefing in accordance with the organisation's requirements.</p>